

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CESAR GUAJARDO-PALMA,

ORDER

Plaintiff,

10-cv-112-slc

v.

SGT. MARTINSON, Mail Room Sgt.,
JOHN/JANE DOE/All Mail Room Staff,

Defendants.

As directed in this court's order of March 26, 2010, plaintiff Cesar Guajardo-Palma has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the March 26 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.) From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing

his appeal in the amount of \$24.79.

IT IS ORDERED that plaintiff Cesar Guajardo-Palma's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until April 30, 2010, in which to submit a check or money order made payable to the clerk of court in the amount of \$24.79. If, by April 30, 2010, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$24.79 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 9th day of April, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge